

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRONIKI (NIKI) BROWNE,

Plaintiff,

-against-

THE CITY OF NEW YORK; THE NEW YORK CITY
EMPLOYEES RETIREMENT SYSTEM;
the BOARD OF TRUSTEES OF THE NEW YORK
CITY EMPLOYEES RETIREMENT SYSTEM;
DIANE D'ALESSANDRO; and MILTON ARON

Defendants.

WAIVER OF SERVICE
OF SUMMONS

08 Civ. 4993 (MGC)

TO: THE CITY OF NEW YORK
c/o: Michael Cardozo
Corporation Counsel for the
City of New York
100 Church Street
New York, New York 10007

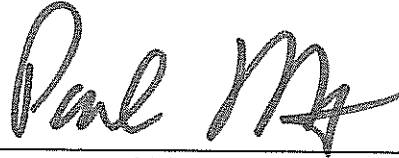
I have received your request to waive service of a summons in this action along with a copy, a prepaid means of returning one signed copy of the form to you, the Individual Rules of Judge Cedarbaum, and a copy of the SDNY ECF Instructions, Procedures, and Guidelines for Electronic Case Filing.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from July 11, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so,

a default judgment will be entered against me or the entity I represent.

Date:



SIGNATURE

PAUL MARLER, Assistant Corporate Counsel

Printed/Typed Name

as Attorney for Defendant City of New York

of July 24, 2008

Duty to Avoid Unnecessary Costs of Serving of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the Court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.